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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,354	12/18/2003	Chad M. Fors	CE10577R	9648
22917	7590	12/31/2007		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER YOUNG, NICOLE M	
			ART UNIT 2139	PAPER NUMBER
			NOTIFICATION DATE 12/31/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
APT099@motorola.com

Office Action Summary

Application No.

10/739,354

Applicant(s)

FORS ET AL.

Examiner

Nicole M. Young

Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 9, 2007 has been entered.

Claims 1-20 are pending. Claims 1 and 11-20 are amended.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claims have been amended and the rejections are withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 11 states, "generating an application key independently at the computer and the network based server corresponding to the locally generated dynamic seed; and providing the generated application key to facilitate authenticating an application". The Examiner cannot determine if each application key (local and network) is provided or if only one application key (local or network) is provided.

Claims 12-20 are dependent on 1 and 11 and are rejected for the same reason as well as that each claim speaks of a single application key. The Examiner cannot determine if this applies to both of the local and network application keys. For example, claims 2 and 12 state, "generating an application key further comprises storing the application key". The Examiner cannot determine if this is done on both the local and network storage.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Daly et al (US 5,930,362)** herein referred to as Daly.

Regarding **claims 1 and 11** (Currently Amended) Daly teaches a method of providing authentication services for applications that are running on a client and requiring access to a network based server, the method comprising:

establishing a network connection further comprising an authentication with the network (column 1 lines 38-49, "in response to the call from the user, an authentication center at the cellular network begins to generate Diffie-Hellman data encryption values");

generating, responsive to the authentication, a dynamic seed locally at the client and the network based server (Figure 3 and associated text, column 3 lines 49-67 through column 4 lines 1-50 disclose the generation of random seed key at each device, x and y) ;

generating an application key independently at the computer and the network based server corresponding to the locally generated dynamic seed (Figure 3 and associated text, column 3 lines 49-67 through column 4 lines 1-50 disclose the generation of random seed key at each device, x and y; then using those to generated keys X and Y which are interpreted as the application keys); and

providing the generated application key to facilitate authenticating an application (Figure 3 and associated text, column 3 lines 49-67 through column 4 lines 1-50 further discloses each device providing their application key to the other device).

Regarding **claims 2 and 12** (Original) Daly teaches the method of claims 1 and 11 wherein the generating an application key further comprises storing the application key for subsequent retrieval to facilitate the authenticating an application (Column 4 lines 51-65 disclose storing the keys in a database for subsequent retrieval).

Regarding **claims 3 and 13** (Original) Daly teaches the method of claims 1 and 11 wherein the generating an application key further comprises generating a plurality of application keys where each of the plurality of keys corresponds to a different application (Column 4 lines 51-67 and column 5 lines 1-11 disclose storing multiple key pairs that are used for multiple authentications).

Regarding **claims 4 and 14** (Original) Daly teaches the method of claim 1 and 11 wherein the providing the application key further comprises; providing an application seed and generating keying information specific to the application (Column 4 lines 51-67 and column 5 lines 1-11 disclose storing multiple key pairs that are used for multiple authentications).

Regarding **claims 5 and 15** (Original) Daly teaches the method of claims 1 and 11 wherein the providing the application key further comprises providing a new application key every time the authenticating the application is required (Column 4 lines 51-67 and column 5 lines 1-11 disclose storing multiple key pairs that are used for multiple authentications; Column 5 lines 11-36 teach multiple authentication uses multiple keys).

Regarding **claims 6 and 16** (Original) Daly teaches the method of claims 1 and 11 wherein the providing the application key further comprises providing the application key corresponding to a time duration within which the application key is valid (Column 4 lines 51-67 and column 5 lines 1-11 disclose storing multiple key pairs that are used for multiple authentications; Column 5 lines 11-36 teach multiple authentication uses multiple keys; the application key is interpreted to be invalid when the user logs off, subsequent authentication attempts will require new keys to be generated).

Regarding **claims 7 and 17** (Original) Daly teaches the method of claims 1 and 11 wherein the obtaining the dynamic seed further comprises obtaining a new dynamic seed each time an authentication with the network occurs, the generating the application key further comprises generating a new application key corresponding to the new dynamic seed, and the providing the application key further comprises providing the new application key (Figure 3 and associated text, column 3 lines 49-67 through column 4 lines 1-50 disclose the generation of random seed key at each device, x and y; Column 4 lines 51-67 and column 5 lines 1-11 disclose storing multiple key pairs that

are used for multiple authentications; Column 5 lines 11-36 teach multiple authentication uses multiple keys).

Regarding **claims 8 and 18** (Original) Daly teaches the method of claims 1 and 11 wherein the authentication with the network utilizes processes corresponding to an Extensible Authentication Protocol (Column 2 lines 23-56 discloses a mobile network with multiple mobile devices and switching centers).

Regarding **claims 9 and 19** (Original) Daly teaches the method of claims 1 and 11 implemented by one of a client and a network server (Figure 2 and associated text, column 2 lines 57-67 disclose a mobile station and a base station).

Regarding **claims 10 and 20** (Original) BLAH teaches the method of claims 9 and 19 implemented by one of a wireless client and a network server accessed via a wireless network (Column 2 lines 23-56 discloses a mobile network).

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole M. Young whose telephone number is 571-270-1382. The examiner can normally be reached on Monday through Friday, alt Fri off, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NMY
12/21/2007


SYED A. ZIA 12/21/2007
PRIMARY EXAMINER